



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#7/a
Harry
Feb. 23, 02

Applicant(s): Donoho *et al.*

Application No.: 09/691,344

Group Art Unit: 1653

Filed: 10/18/00

Examiner: Rita Mitra

Title: Novel Human Proteins and Polynucleotides
Encoding the Same

Attorney Docket No.: LEX-0071-USA

**RESPONSE TO NOTICE TO COMPLY WITH
REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR
AMINO ACID SEQUENCE DISCLOSURES**

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("the Notice"), mailed December 17, 2001 in connection with the above-identified application, Applicants submit herewith: (i) a Sequence Listing in computer readable form pursuant to 37 C.F.R. § 1.821(e); (ii) a Verified Statement Concerning Sequence Listing Under 37 C.F.R. § 1.821(f) and (iii) a replacement copy of sequence listing as originally submitted. Applicants respectfully request the entry of the computer readable form of the Sequence Listing into the file.

With regard to the statement on the Notice regarding Applicants alleged failure to provide an initial copy of the Sequence Listing as a separate part of the disclosure on paper copy, as required under 37 C.F.R. § 1.821(c), Applicants note for the record that a paper copy of the Sequence Listing was originally submitted with the application as filed on October 18, 2000, as evidenced by the return postcard received from the Patent and Trademark Office ("The Office"), a copy of which is included herewith. Applicants submit

that the request for an original paper copy of the Sequence Listing was made in error, or that the copy of the Sequence Listing as originally filed has been misplaced by the Office. Therefore, Applicants believe that an amendment, as requested in the Notice, is not necessary.

However, in order to attempt to comply with the Notice within the time period set for response, Applicants are submitting a replacement copy of the Sequence Listing, which was originally submitted with the application on October 18, 2000. The present document is a complete response to the Notice. Applicants believe that no fees are due in connection with this response. However, the Commissioner is authorized to charge any required fees to Deposit Account No. 50-0892. Should Examiner Mitra have any further questions concerning the present application, a telephone call to the undersigned

Applicants' representative is earnestly solicited.



January 16, 2002
Date

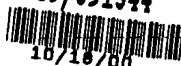
Respectfully submitted,

Lance K. Ishimoto by David W. Hsueh *DAVID W. HSUEH*
Lance K. Ishimoto Reg. No. 41,071
Reg. No. 41,866

LEXICON GENETICS INCORPORATED
4000 Research Forest Drive
The Woodlands, TX 77381
(281) 863-3333



jc917 U.S. PTO
09/691344



Box Patent Application

Express Mail No.: EL672756158US

Date Mailed 10-18-00

U.S. Appl. Ser. No.: to be assigned

Inventors: Denko, Turner, Nehls, Friedrich, Zambrowicz, Sands

Title: Novel Human Proteins & Polynucleotides
Encoding the Same

Attorney Docket No.: LEX-0071-USA

☒ Specification 25 pages total (23 pages spec; 1 claim page(s); 1 page Abstr)

☒ Transmittal Letter (original and copy)

Drawings (____ pages; ____ number of drawings)

☒ Sequence Listing (7 pages)

Other: return postcard; unsigned Declaration; Small Entity Statement -
unexecuted

POSTED
10/30/00-ur



COPY OF PAPERS
ORIGINALLY FILED

GAU/1653

PTO/SB/21 (12-97)
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/691,344	
	Filing Date	10/18/00	
	First Named Inventor	Donoho	
	Group Art Unit	1653	
	Examiner Name	R: Mitra	
Total Number of Pages in This Submission	15	Attorney Docket Number	LEX-0071-USA

RECEIVED
FEB 07 2002
TECH CENTER 1600/2900

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communications to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communications to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	return postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	Verified Statement and Sequence List on Diskette
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request of Refund	Copy of sequence listing (7 pages)
		Copy of original S/N postcard
<input checked="" type="checkbox"/> Response to Notice to Comply	Remarks	Copy of Notice to Comply
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Lance K. Ishimoto, Reg. No. 41,866 Lexicon Genetics Incorporated
Signature	<i>Lance K. Ishimoto by David W. Hsbler</i> DAVID W. HSBLER REG. NO. 41,071
Date	January 16, 2002

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: January 16, 2002	
Typed or printed name	Nancy Stacey
Signature	<i>Nancy Stacey</i>
Date	January 16, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,344	10/18/2000	Gregory Donoho	LEX-0071-USA	3961

24231 7590 12/17/2001
LEXICON GENETICS INCORPORATED
4000 RESEARCH FOREST DRIVE
THE WOODLANDS, TX 77381

NTC

EXAMINER

MITRA, RITA

ART UNIT	PAPER NUMBER
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1653

DATE MAILED: 12/17/2001

6 30 days

due 1/16/02
6 mos 6/16/02

Please find below and/or attached an Office communication concerning this application or proceeding.

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Per...*H*.....



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO./ CONTROL NO. 09/691344	FILING DATE 10/18/2000	FIRST NAMED INVENTOR / Gregory Donoho	ATTORNEY DOCKET NO. LEX-0071-USA
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EXAMINER

Rita Mitra

ART UNIT	PAPER
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1653

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DATE MAILED:

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FEB 07 2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents


This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

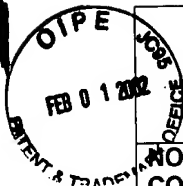
APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita Mitra whose telephone number is (703) 605-1211. The examiner can normally be reached on weekdays from 9:30 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached at (703) 308-2923. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.


CHRISTOPHER S. F. LOW
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600



Notice to Comply

Application No.	Applicant(s)	
09/691344	Donoho et al.	
Examiner	Art Unit	
Rita Mitra, Ph. D.	1653	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY